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29 September 2022

Reference: 1650277

Javier Canon  
Senior Environmental Assessment Officer  
Department of Planning, Industry and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Javier

**Subject: Gundry Solar Farm (SSD 48225958)  
Request for input into SEARs**

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A review of the Scoping Report has been undertaken in relation to the above proposal, and Council's comments are as follows:

- Location

The location of the project is known as 961 Windellama Road, 985 Windellama Road and 444 Kooringaroo Road, Gundry.

- Section 2.3.1.3 Local and Regional Context

### **South East and Tablelands Regional Plan (SETRP) 2036**

This project is only considered in the scoping report against the one direction of the SETRP 2036 (Direction 6 – Goal 1), a full assessment of the project against other directions should also occur, as it may not align as well with other aspects of the plan.

The project should also address the provisions of the *Draft SETRP 2041* currently on public exhibition.

### **Goulburn Mulwaree Local Strategic Planning Statement (LSPS)**

#### *Housing*

As with the comment above, the Scoping Report only considers the consistency of the project against the Council's desire to promote renewable energy projects particularly in areas not identified as being or prime crop and pasture potential etc.

Council's LSPS also provides the context for the provision of housing, the vision being: "A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan." Goulburn and Marulan are the only two serviced settlements in the local government area (LGA) having the best range of other services and are therefore the best locations to focus housing. This is reflected in Council's *Urban and Fringe Housing Strategy* with the area south of the Hume Highway (which cannot be serviced with water and sewer) identified for rural residential development.

Council is concerned about the potential for conflict between the potential for rural zoned areas on the periphery of Goulburn being taken up by utility scale solar energy generation/storage projects. Council had made a submission to the NSW Department of Planning and Environment's public exhibition of the *Explanation of Intended Effect - Renewable Energy and Regional Cities on 6 October 2021* (attached).

Council's submission outlined several reasons as to why the city of Goulburn should be included in the list of regional cities to which the proposed amendment to *State Environmental Planning Policy (Transport and Infrastructure) 2021 (the SEPP)* would apply in relation to additional development assessment considerations for utility scale renewable energy generation and storage projects.

The NSW Department of Planning and Environment (DPE) advised Council that Goulburn's exclusion from the provisions of Clause 2.42 of the SEPP is it not being identified as a Regional City in the Regional Cities Map under State Environmental Planning Policy (Infrastructure) 2007. Furthermore, Council has been advised that the provisions of the recently released Large-Scale Solar Energy Guideline (August 2022) should be sufficient to provide for the assessment of such applications in the vicinity of Goulburn (the City). However, as identified in the recent Census results, the updated DPE Population Projections and *Draft South-East and Tablelands Regional Plan 2041*, Goulburn is a rapidly growing strategic centre.

It is also located in close proximity to major electricity transmission infrastructure and is likely to see a large uptake of utility scale solar energy projects within proximity to the City. This concern is highlighted by this project which is within 10km of the Goulburn CBD and closer to the planned future rural residential areas identified in the Urban and Fringe Housing Strategy for the Mountain Ash and Brisbane Grove precincts.

The potential for large scale solar energy projects to impact areas around Goulburn identified for residential growth (as identified in Council's *Urban and Fringe Housing Strategy*) is considerable given the proximity to the major electricity transmission easements and the large sized rural holdings within the 10km radius of the City. Council still considers that the provisions of Clause 2.42 of the SEPP should be applied to Goulburn and the consideration of these impacts should be made in addition to the considerations of the *Large-Scale Solar Energy Guideline*.

- Section 2.7 Project Related Community Benefits

Any Planning Agreement needs to provide a clear community benefit and should potentially relate to a project that is identified in Council's *Local Infrastructure Contribution Plan* (e.g., Community Centre) or has specific benefits to the precinct such as improvements to precinct roads and drainage, reducing the period of inundation of roads and improving access into Goulburn.

- Section 6.2.3. Visual

This should be considered in relation to the potential impact on future rural residential areas identified south of the Hume Highway in the *Urban and Fringe Housing Strategy*.

Reference is also made to Figure 6.4 – Zone of Theoretical Visibility, specifically in relation to the scale of potential visual impact on a significant portion of the existing City footprint. Any forthcoming EIS must assess and consider the potential impact in greater detail, including the identification of any mitigating solutions and consideration of site suitability.

- Section 6.2.3.2 Noise and Vibration

This should be considered in relation to the potential impact on future rural residential areas identified south of the Hume Highway in the *Urban and Fringe Housing Strategy*

- Section 6.2.4.1 Flooding

The Goulburn Floodplain Risk Management Study and Plan and overland flow mapping have identified access issues within this precinct (generally south of the Hume Highway) in a range of flood events.

The impacts of the construction period on rural roads with poor drainage should be considered.

The development will increase runoff from the site due to the increase in impervious surfaces. The next stage of the development process should examine the hydrologic impacts of this development on runoff rates and volumes and how this impacts the local and broader catchment including runoff routing impacts on the town of Goulburn, culvert and bridge capacity and impacts on stream erosion and stability.

- Section 6.2.5 Land

The project site could be considered of prime crop and pasture potential therefore an agricultural land impact assessment is required. Should the project proceed, it will lock up a large holding of viable agricultural land from all agricultural uses except limited grazing. Council agrees with the requirement in the scoping report (Section 6.2.5) to undertake soil testing and consideration of agricultural viability in the context of land with access to water supply etc.

- Section 6.2.6 Access and Transport

The Gundry Solar Farm project will generate approximately 200,000 vehicle trips during the construction process with a high proportion of them being heavy vehicles. This will have a significant impact on the condition of the roads used and their safety.

The safety of the routes and the roads used must be assessed using a safe systems approach along with an upgrade plan for any unsafe routes or locations or adversely affected urban or rural roads.

The construction process will significantly damage Council roads. An upgrade, maintenance and renewal plan should be provided as part of the next part of the development process.

The Goulburn Floodplain Risk Management Study and Plan and overland flow mapping have identified access issues within this precinct (generally south of the Hume Highway) in a range of flood events.

The impacts of the construction period on rural roads with poor drainage should be considered. A dilapidation report should be a requirement prior to the construction period commencing and repairs post construction conditioned accordingly. The potential impact on future rural residential areas identified south of the Hume Highway in the *Urban and Fringe Housing Strategy* should also be considered.

An initial review of the proposal in relation to Council's road network, by Council's Operations Team has identified a number of matters, including potential upgrades that should be addressed prior to the completion of the EIS.

### Aboriginal Heritage

A full Aboriginal Cultural heritage Assessment (ACHA) is proposed but there are some assumptions and discussion about Aboriginal heritage based on AHIMS and the limited findings from this. This may be due to the lack of development activity in the area and the subsequent lack of archaeological assessments in the locality. Council have recently found more scar trees and round trees in the area amongst other things. Most of the ACHA's provided with planning proposals are picking up PADs on sites with no AHIMS identified sites in the vicinity. Consultation is specified in the Scoping Report (Section 5.3) with the registered organisation (Pejar LALC) however this should be broader to include all relevant groups identified in the *Goulburn Mulwaree Aboriginal Heritage Study 2012*.

### Biodiversity

The Scoping Report describes the area to be impacted as mostly comprising land that has been previously cleared and managed as grazing land, but further biodiversity assessment, including detailed vegetation mapping and preparation of a BDAR is required.

The proposed mitigation measures seem to be lacking any attempts to restore, enhance or create any habitat.

While the BAM does specify that the hierarchy of avoid - minimise – mitigate should be applied and the report states that the project has been strategically designed to avoid and/or minimise impacts on biodiversity where practicable, it would be beneficial to see the proponents use the opportunity to undertake some active planning for provision of revegetation of the site to create new habitat and provide landscape connectivity.

For example, there is great scope to create a band of vegetation along the proposed eastern boundary to connect the bushland located on the adjoining north eastern block to the remnant woodland located at the south eastern corner of the proposed site, i.e. as well as designing to avoid/minimise impacts, it would be worthwhile to go further and include some positive measures to increase and enhance biodiversity values of the site as a whole, especially as:

- The total area is quoted as being 708 hectares, of which the project infrastructure is expected to be on 473 hectares, potentially providing opportunities to work on up to 235 hectares of land;
- The area is RU1 zoned and mostly cleared pasture land, so any planting of native trees or restoration of native vegetation is likely to vastly increase biodiversity values;

- The site is in close proximity to land with significant biodiversity values: Gundry TSR, South's TSR and Pomaderris Nature Reserve. All three of these reserves are home to threatened species and threatened ecological communities.

The potential use of landscaping and planting of vegetation screening is briefly mentioned as a potential mitigation measure for visual impacts, eg page 4: *Vegetation screening to mitigate visual impacts may be required and will be considered following consultation with neighbouring landholders*. Council is concerned is that this could simply involve planting belts of exotic species such as Radiata Pines or similar. It would be better if this could be elaborated on, for example specifically stating that it will involve landscaping utilising local provenance native species to restore natural vegetation communities that will:

- Create additional habitat and enhance biodiversity values of the site;
- Provide broader landscape connectivity for native fauna and flora species;
- Enhance aesthetic and visual amenity values of the area; and
- Provide screening of the site to minimise adverse impacts of the project on neighbouring properties.

There are also a couple of issues relating to preliminary assessment of biodiversity in the report:

- The creeks running through the site are mapped as Key Fish Habitat (see attached). This has not been identified in the report. Although a permit is not required for State Significant Development works under the *Fisheries Management Act 1994* as this requirement is over-ridden by 4.41 of the *Environmental Planning and Assessment Act 1979* (as identified on page 23 of the report), the presence of mapped Key Fish Habitat should at least be acknowledged.
- The Scoping Report does not include Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* listed migratory species. Given that the area contains watercourses and wetlands that are mapped as Key Fish Habitat, and the migratory MNES species Latham's Snipe *Gallinago hardwickii* has been recorded not far from the project site, this and other migratory MNES species should be included in the assessment.
- The main list of MNES threatened species also appears to be missing some wetlands species that are known from the Goulburn Mulwaree LGA and adjacent LGA.s, and that could utilise parts of the site, for example Australasian Bittern *Botaurus poiciloptilus*, Curlew Sandpiper *Calidris ferruginea*, and Australian Painted Snipe *Rostratula australis*.

#### 6.2.1.2 Threatened species

Desktop database searches identified a number of potential threatened species that could occur within the Project Area, including 15 flora and 28 fauna species.

Table 6.3 of the report summarises "...the listed species that have been identified across the Project Area."

Table 6.3 lists:

- 16 Flora species - however, the list does not include Button Wrinklewort *Rutidosia leptorhynchoides*, which is present at the Gundry TSR, less than 3 km away, or the Delicate Pomaderris *Pomaderris delicata* which is present at Mountain Ash Road only around 4 km to the north east. These species are recorded in the BioNet Atlas and have potential to be present on the site.
- 27 Fauna species – however the list does not include Key’s Matchstick Grasshopper *Keyacris scurra*, which is known from Gundry TSR, South’s TSR and the Pomaderris Nature Reserve. Spotted Tail Quoll *Dasyurus maculatus* which is listed as a MNES with potential to be in the area has been recorded at South’s TSR and this too is missing from the fauna list. The list includes Pink Robin *Petroica rodinogaster* which appears not to have been previously recorded from the Goulburn Mulwaree LGA, but for some reason does not include Flame Robin *Petroica phoenicea* or Scarlet Robin *Petroica boodang*, both of which would be quite likely to be present in woodland in the local area. A Flame Robin was identified during a site inspection recently at a property less than 2 km from the proposed Solar Farm.
- Also missing is the Yellow-bellied Glider *Petaurus australis*. Since the list includes Greater Glider *Petauroides volans* and Squirrel Glider *Petaurus norfolcensis*, which have similar habitat requirements.

It seems that the database searches have involved primarily use of the EPBC Protected Matters Search Tool and information available through the BAM Calculator. The BioNet Atlas and other online records such as eBird and ALA do not seem to have been used so search for records of threatened species in the local area.

If you require any further information, please contact me on (02) 4823 4480.

Yours sincerely



Scott Martin  
**Director Planning & Environment**

## Public Exhibition for the Explanation of Intended Effect – Renewable Energy and Regional Cities

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Stakeholder group	<input type="checkbox"/> Industry <input checked="" type="checkbox"/> Council <input type="checkbox"/> Aboriginal Community <input type="checkbox"/> Community <input type="checkbox"/> State Agency

**Submission** Uploaded to Planning Portal on 6 October, 2021

### Explanation of Intended Effect (EIE)

Goulburn Mulwaree Council considered a report on the *Draft EIE - Renewable Energy and Regional Cities*, at its meeting of 5 October, 2021 and resolved to request the inclusion of Goulburn as a regional city to which the draft provisions would apply.

The following is a consideration of the strategic justification in the Draft EIE and the consideration of this criteria against land use considerations for Goulburn.

#### Strategic Justification

The strategic justification in the draft EIE states that the increasing number of utility-scale solar and wind energy projects required to support the transition to renewable energy has the potential to create new or exacerbate existing land use conflicts.

Although many of these projects will be located in the NSW Government's renewable energy zones, there will continue to be a need for development outside these areas to support a transition to renewable energy.

Utility-scale solar farms and wind farms can have significant visual impacts and can contrast with the natural environments in which they are situated. This can alter the character, scenic quality, and people's enjoyment of the landscape.

These projects are often proposed in particular locations because of proximity to substations and transmission infrastructure, which are commonly located close to existing populated areas. Particularly in the case of solar, these developments can also occupy large areas which can preclude the use of land for any other purpose for several decades.

The Department's Regional Plans identify regional cities that are strategically important to the ongoing growth and development of regional NSW. It is important to invest in these areas given their importance as major centres for housing, education and other regional infrastructure and services.

### General Comment

Regional cities are the key population and employment centres for regional NSW and are the primary location for retail, education, health and other infrastructure and services including hospitals. Strong growth is predicted in regional cities as a result of these attributes.

A large portion of these cities, including Albury, Armidale, Bathurst, Dubbo, Griffith, Orange, Tamworth and Wagga Wagga are bounded by rural land uses, near transmission assets, and have relatively high solar and wind resource potential.

Consequently, these regional cities are at risk of encroaching renewable energy development which is currently permissible with consent on rural zoned land under the Infrastructure SEPP and requires a connection to the transmission network.

### **Exclusion of Goulburn Mulwaree Local Government Area**

Currently the draft EIE excludes Goulburn as a regional city which will be subject to the proposed area specific amendments to the Infrastructure SEPP.

Using the above strategic criteria it could be argued that Goulburn should be considered for inclusion given that it is a regional centre (being the primary location for education, housing and health for a large region including the majority of the Upper Lachlan LGA, some of the northern region of the Queanbeyan-Palerang LGA and the southern section of Wingecarribee LGA). It is experiencing strong growth and is surrounded by a rural zoning most of which (within 8kms in each direction from the B3 Commercial Core Zone in the CBD) is earmarked for urban residential or rural residential expansion in the Goulburn Mulwaree *Urban and Fringe Housing Strategy*. Clearly the location of any major wind or solar utility would be of potential concern within 10km of the Goulburn CBD.

### **Why include Goulburn?**

The location of Goulburn in relation to major infrastructure and cities makes it a potential location for utility scale renewable energy projects as discussed below:

- Sydney Canberra Corridor

Goulburn is located between Sydney and Canberra, being two of the major cities in Australia with Sydney being the largest electricity market.

- Proximity to Major Infrastructure

Goulburn is located on the Hume Highway and Main Southern Railway Line. Major energy infrastructure is also located in proximity to Goulburn including two high pressure gas pipelines, highland source (water pipeline) and a major TransGrid electrical transmission line (330 kV) easement which runs through the south of Goulburn (between Yass and Marulan). This easement links to Bannaby and will also be upgraded with the Snowy Hydro 2.0 project.

- South East Tablelands Regional Plan (SETRP)

Direction 6 of the South East Tablelands Regional Plan is: Position the regional as a hub of renewable energy excellence. The SETRP includes the following relevant actions:

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6	<b>Direction 6: Position the region as a hub of renewable energy excellence</b>				
	Action	Initiative or Strategy	Governance		
			Responsibility <sup>1</sup>	Partner <sup>2</sup>	Timing <sup>3</sup>
6.1	Identify opportunities for renewable energy industries.	Strategy	DRG	OEH, DPE	Ongoing
6.2	Develop analytical tools to map large-scale renewable energy potential.	Initiative	DRG	Council	Medium Term
6.3	Encourage the co-location of renewable energy projects to maximise infrastructure, including corridors with access to the electricity network.	Strategy	Council	DPE, DRG	Ongoing
6.4	Promote best practice community engagement and maximise community benefits from renewable energy projects.	Strategy	Council, DPE	DRG	Ongoing
6.5	Promote appropriate smaller-scale renewable energy projects using bioenergy, solar, wind, small-scale hydro, geothermal or other innovative storage technologies.	Strategy	Council	DRG, OEH	Ongoing

Given the above regional direction the inclusion of Goulburn would align the South East Tablelands Regional Plan with the proposed changes to the Infrastructure SEPP.

The plan also maps Goulburn Mulwaree as being within a topographic locality suitable for wind farming as per the South East Tablelands Regional Plan map extract below:



Map 1: Extract South East Tablelands Regional Plan 2036 Map

- Urban and Fringe Housing Strategy

Council's *Urban and Fringe Housing Strategy* as endorsed by the NSW Department of Planning, Industry and Environment (DPIE) has identified areas for future urban growth

surrounding Goulburn and primarily in land within the RU6 Transition Zone surrounding Goulburn. Given the RU6 zoning and current Infrastructure SEPP provisions, development of a utility scale wind or solar farm in proximity to these areas (or within identified opportunity areas) could significantly impact Council's planning and the appropriate roll out of local infrastructure services. Goulburn Mulwaree has a relatively centralised development pattern and this should be considered as a factor for the inclusion of Goulburn into the specific locations identified in the Explanation of Intended Effect.

- State Significant Development (Energy Related)

There have been a number of State Significant Development approvals or proposals for the Goulburn Mulwaree LGA partly due to its suitability for wind/solar projects and due to its proximity to the major TransGrid easement including:

- Bannaby gas Fired Power Station
- Big Hill/ Marulan Gas-Fired Power Station
- Capital Wind Farm
- Carrick Solar Farm
- Hanging Rock Gas Fired Power Station
- Jupiter Wind Farm
- Parkesbourne Solar Farm
- Woodlawn Wind Farm

The above list of SSD projects is clearly reflective of Goulburn Mulwaree's suitability for wind and solar renewable energy projects given its proximity to the main electrical transmission easement, Hume Highway and between Canberra and Sydney.

### **Conclusion**

In conclusion, it is requested that DPIE include Goulburn as a regional city for the application of the additional clause provisions for the assessment of renewable energy utility scale projects.

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# Fisheries NSW Spatial Data Portal

Map Navigation Tools

Map Layers Pan Zoom In Zoom Out Initial View Full Extent Previous Extent Next Extent Bookmarks

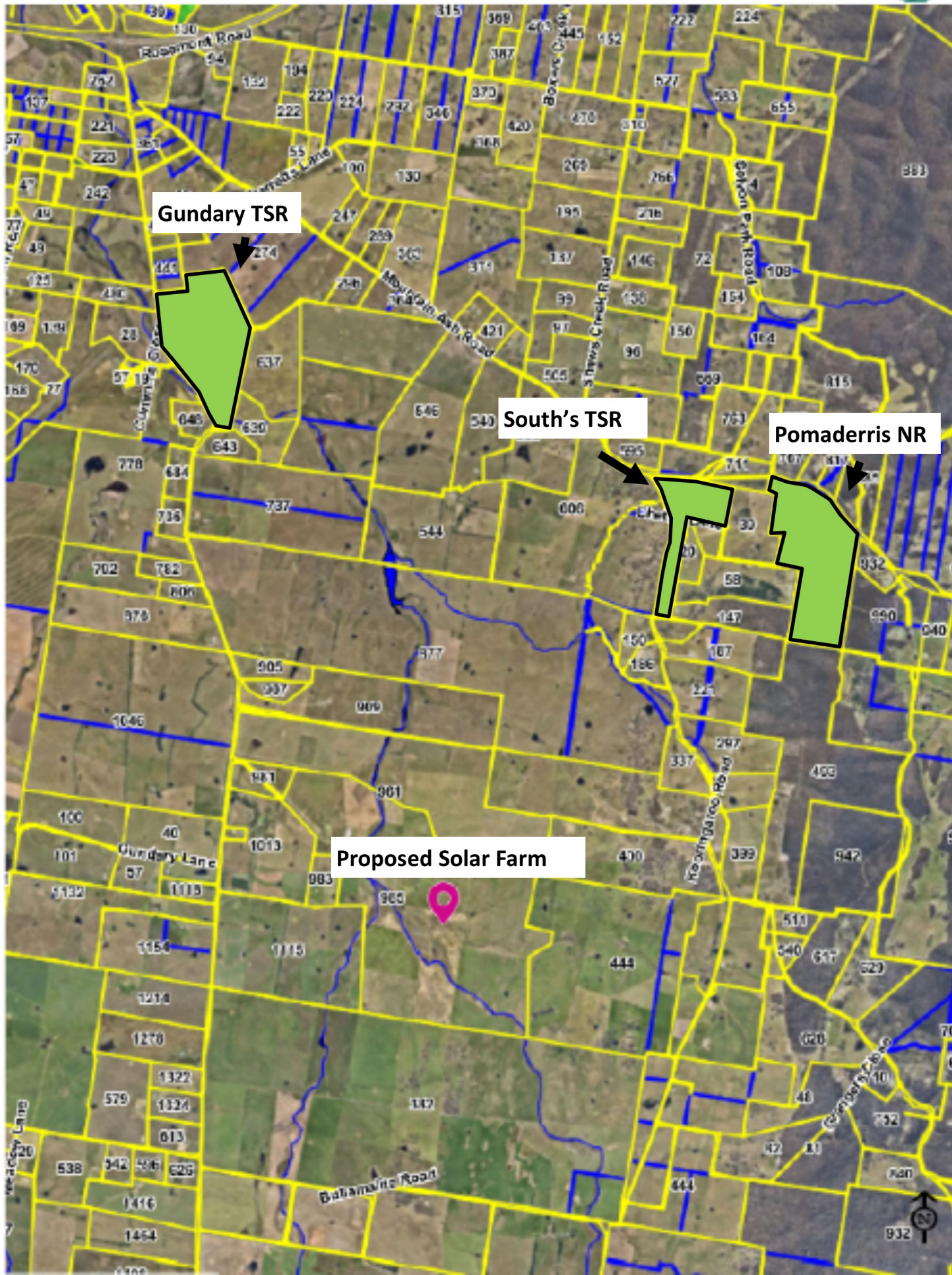
Navigation

### Quick Tools

- Extract Data**  
Extract Data
- View the home panel**  
View information about this application.
- Find data on the map**  
Click, tap, or draw a rectangle on the map to identify features.
- Show map layer list**  
Alter visibility of map layers, perform layer actions, and view the legend.
- Return to initial map extent**  
Return to the initial map position and zoom level.



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**Gundry TSR**

**South's TSR**

**Pomaderris NR**

**Proposed Solar Farm**

1000 m

Scale = 50000

This map is provided for the purpose of showing basic locality information over the Goulburn Mulwaree Council LGA. It has been created for illustration purposes only. Locations of services and boundaries are approximate, and may not be accurate to surveying or engineering standards. Map information is subject to constant changes, may not be complete, accurate or current. The Council assumes no liability for damages incurred as a result of incomplete, incorrect or omitted information.